

### **REMARKS/ARGUMENTS**

The above-identified patent application has been reviewed in light of the Examiner's Office Action dated February 5, 2009. Claims 1-6 and 8-15 were pending at the time of this Office Action. By this Amendment and Response, Applicants have canceled Claims 4, 8 and 15. Claims 1, 5 and 14 are currently amended. Thus, Claims 1-3, 5-6 and 9-14 are currently pending and are respectfully asserted to be in condition for allowance.

#### **Interview Summary**

Applicants wish to thank the Examiner and Supervisory Examiner Sample for the courtesies extended during the telephone interview with the undersigned on May 28, 2009. During the interview, prior art of record was discussed, namely Battigelli et al. (U.S. Patent 5,601,628) and Jensen et al. (U.S. Patent 5,614,449), and proposed amendments to Claim 1 were also discussed. Claim 1 is now presented in amended form as discussed on May 28, and is believed to be in condition for allowance.

#### **35 U.S.C. § 112 Rejections**

The Examiner has rejected Claims 6, 8-9, 11 and 14-15 under 35 U.S.C. § 112 on various grounds. With respect to Claim 9, the limitation of "about <2 weight%" is supported in the specification at least by ¶ [0021] ("within the range of 0.5 until 3 weight%") read in combination with ¶ [0025] ("with a binding agent content of <2 weight%"). Support for the roll being substantially in the form of a stepped wire mat is provided by the drawing figures. It is well known that drawing figures alone may provide a written description of an invention as required by Section 112. Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1565 (Fed. Cir. 1991); see also Cooper Cameron Corp. v. Kvaerner Oil Field Prods., Inc., 291 F.3d 1317, 1322 (Fed. Cir. 2002) ("Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed."). The roll being substantially in the form of a stepped wire mat is adequately shown in the drawing figures, and therefore is supported under Section 112.

With respect to the Examiner's assertion that Claim 11 recites the phrase "operatively associated" which is not found in the specification, Applicants assert that words such as

"operatively associated" are terms of art, and the plain meaning of the same would be understood by a person of ordinary skill in the art. Applicants need not include in the specification that which is already known to and available to the public. In re Howarth, 654 F.2d 103, 105 (CCPA 1981). Furthermore, it is not necessary that every last detail of an invention be described, by working examples or otherwise. Ex parte Wolters et al., 214 USPQ 735 (POBA 1979). However, despite support not being required for these terms of art, there is support in the specification at least in ¶¶ [0010-0012], [0023] and [0028]. Therefore, Applicants have provided adequate support for the insulating element being operatively associated with a vessel's frames.

With respect to Claim 6, the lambda-value is adequately supported in the chart shown in Fig. 3, and the corresponding written description at ¶ [0016], among other places in the drawing figures and specification.

The Examiner's rejection under 35 U.S.C. § 112 of Claim 8 is now considered moot, as that claim has been canceled. Similarly, the Examiner's rejection of Claim 15 is also moot, as that claim has been canceled.

The Examiner's rejection of Claim 14 has been addressed by the amendments presented in this Amendment and Response.

### 35 U.S.C. § 103(a) Rejections

Claims 1-6, 8-15 were rejected to under 103(a). Applicants wish to stress that where obviousness is based on a combination of several prior art references, it is the Examiner's burden to present evidence that a person of ordinary skill in the art would have had reason to attempt to make the composition or device, or carry out the claimed process, and would have had a reasonable expectation of success in doing so. See Noelle v. Lederman, 355 F.3d 1343, 1351-52 (Fed. Cir. 2004); Brown & Williamson Tobacco Co. v. Philip Morris, Inc., 229 F.3d 1120, 1121 (Fed. Cir. 2000); see also KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1740 (2007). When claim elements are found in more than one prior art reference, the Examiner must determine "whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims." In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006). While the KSR Court rejected a rigid application of the teaching, suggestion, or

motivation ("TSM") test in an obviousness inquiry, the Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. Takeda Chem. Indus. et al. v. Alphapharm et al., No. 06-1329 (Fed. Cir. 2007). It is well established that an obviousness determination may not substitute the factual inquiry of whether to combine references must be thorough and searching. In re Sang Su Lee, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002) (recently affirmed by the Supreme Court).

Examiner has failed to show features now claimed in Claim 1, namely *wherein the insulating element is compressible in a minimum ratio of 2:1, corresponding to an upper gross density up to 50 kg/m<sup>3</sup>, and is further compressible in a minimum ratio of 3:1, corresponding to an upper gross density up to 30 kg/m<sup>3</sup>*. In particular, the references cited by Examiner teach that compressibility of the insulating element is in the range of 4.5:1 (see Examiner's Feb. 5, 2009 Office Action, p. 9). Examiner has failed to show how it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the insulating element of Claim 1 having the compression ratio as previously claimed in Claim 8, and as now incorporated in amended Claim 1. For at least these reasons, Claim 1 is allowable.

### **Conclusion**

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of these issues, the Examiner is invited to telephone the undersigned attorney for Applicants at the number below. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: June 26, 2009.

By: /Ian R. Walsworth/  
Ian R. Walsworth  
Reg. No. 56,635  
1560 Broadway, Suite 1200  
Denver, CO 80202  
(303) 863-9700 (Main)  
(303) 863-2976 (Direct)  
(303) 863-0223 (Facsimile)